

**State of Montana**  
**American Recovery and Reinvestment Act Waiver Request**

**Waiver for Program Design Flexibility for Youth Enrolled in American Recovery and Reinvestment Act Programs who Participate in the Work Experience Only**

The Montana Department of Labor and Industry (MDLI), the State administrative entity for the Workforce Investment Act (WIA), is requesting a waiver to allow program design flexibility for youth enrolled in the ARRA program.

MDLI understands that the waiver is applicable only to out-of-school youth ages 18-24 who are enrolled under the American Recovery and Reinvestment Act and who participate in Work Experience only beyond the summer months; and applies only for the first six months following the summer of 2009 (October 1, 2009 through March 31, 2010).

The intent of the waiver is to allow youth service providers the flexibility to make available the Work Experience element only to out-of-school youth who are ages 18 – 24 enrolled in the ARRA youth program; make the decision on whether or not the required 12 month follow-up is appropriate; and determine the appropriate type of assessment for out-of-school youth who are ages 18 – 24 enrolled in the ARRA youth program enrolled in WEX only.

**Waiver Plan**

Section 189(i)(4) of the Workforce Investment Act permits a state to seek waivers of statutory or regulatory requirements, as well as setting forth what information must be provided in seeking such a waiver. The waiver request format follows WIA Law Section 189(i)(4)(B) and Regulations at 20 CFR Part 661.420.

**1. Statutory Regulations to be waived:**

WIA Regulations at 20 CFR Part 664.410 and WIA Law Section 129(c)(2) which requires local programs to make the WIA ten program elements available to youth participants.

**2. Describe action the State has undertaken to remove State or local statutory or Regulatory barriers:**

No additional State requirements have been added to impede or prohibit implementing the common measures.

Upon notification of approval of this waiver request, State rules, policies and procedures will be developed and issued to comply with the terms of this waiver.

**3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:**

The request to waive of the requirement to make all ten program elements available will allow service providers to concentrate on providing the work experience

opportunities these youth need to become part of a productive workforce. Measureable outcomes are placement in employment and receipt of work readiness certificates.

As service providers are encouraged to co-enroll these youth in WIA formula youth or adult programs as appropriate taking into consideration the youth's age and their needs. The appropriate follow-up for each of these programs would occur after the individual exits the WIA formula program and can be tracked through the management information system and in participant files.

**4. Describe any individuals affected by the waiver:**

The waiver will have a positive benefit for:

- a. Service providers;
- b. and youth customers

**5. Describe the processes used to:**

**(i) Monitor the progress in implementing the waiver:**

MDLI as the state administrative entity for Workforce Investment Act Title IB programs will monitor the implementation and impact of the waiver. MDLI will provide applicable guidelines, policies and procedures for the ARRA youth employment program and monitor the ARRA Work Experience activities (worksites, participant eligibility, etc.) separate from regular WIA monitoring.

MDLI will submit reports to USDOL, if and when required, detailing the impact of this waiver.

**(ii) Provide notice to any Local Board affected by the waiver:**

Montana is a single statewide planning area and the SWIB has local board responsibilities. The draft waiver was posted on the SWIB website, and all SWIB members were notified it was available for review and comment.

**(iii) Provide any Local Board affected by the waiver an opportunity to comment on the request:**

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**(iv) Ensure the opportunity for meaningful public comment, including comment by business and organized labor, on the waiver:**

A general public comment period was provided through posting the proposed Waiver request on the SWIB website for **10** days, and notifying all SWIB members and SWIB interested persons it was available for review and comment. After the public comment period, the proposed Waiver request was presented to the SWIB Executive Committee for approval, during a publicly noticed meeting. Committee members were presented with all public comments received during the public comment period, and asked for

additional public comments during the meeting. Comments approved by the Committee were incorporated into the final Waiver request. Formal action was taken by the SWIB Executive Committee to approve the proposed Waiver request for submittal to USDOL.

Montana appreciates the flexibility afforded to states through the waiver process and anticipates the waiver plan provides adequate accountability and improved performance for USDOL approval.